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46159 7590 11/08/2010 SUGHRUE MION PLLC USPTO CUSTOMER NO WITH IBM/SVL 2100 PENNSYLVANIA AVENUE, N.W. WASHINGTON, DC 20037				
EXAMINER				
STACE, BRENT S				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/758,501

Applicant(s)

BENSON ET AL.

Examiner

BRENT STACE

Art Unit

2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 October 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 7-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 7-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-06)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Remarks

1. This communication is responsive to the amendment dated October 4th 2010. In the amendment dated October 4th 2010, Claims 1-4 and 7-20 are pending, Claims 1, 9, 10, and 18-20 are amended, and Claims 1, 9, 10, and 18-20 are independent Claims.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/4/10 has been entered.

Response to Arguments

3. Applicant's arguments dated October 4th 2010 with respect to Claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

4. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., any requests that affect both a library identifier to a managed resource and an associated binary object) are not recited in the rejected claim(s). Although the claims

are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

5. Any other claims argued merely because of a dependency on a previously argued claim(s) in the arguments presented to the examiner, October 4th 2010, are moot in view of the examiner's interpretation of the claims and art and are still considered rejected based on their respective rejections from at least a prior Office action (recited below).

Response to Amendment

Specification

6. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Drawings

7. In light of the applicant's respective arguments or respective amendments, the previous drawing objections to the drawings have been withdrawn.

8. Since the lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors, Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the

drawings. For example, the drawings should be carefully checked to ensure that all reference numerals are described in the specification, that no one reference numeral describes two separate drawing elements, or that the specification contains no reference to numerals not in the drawings.

Claim Objections

9. In light of the applicant's respective arguments or respective amendments, the previous claim objections to the claims have been withdrawn.

Claim Rejections - 35 USC § 101

10. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

11. Claims 9 and 19 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 9 and 19 lack a useful, concrete, and tangible result because the apparatuses appears to be directed at software per se which is functional descriptive material per se that is non-statutory subject matter. Explicitly reciting hardware in the claims would have the claims no longer directed at software per se.

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

14. Claims 1-4, 7, 9-16, and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over "Ten Minute Guide to Windows NT Workstation 4.0" (WindowsNT) in view of U.S. Patent No. 5,937,406 (Balabine et al.).

For **Claim 1**, WindowsNT teaches: "A method of validating a request in connection with..., [WindowsNT, Moving or Copying Files or Folders, the "Warning" section that spans pages 1-2] said method comprising:

- receiving a request that affects an item; [WindowsNT, Moving or Copying Files or Folders, the "Warning" section that spans pages 1-2]
- identifying a version of the item based on a first time; [WindowsNT, Moving or Copying Files or Folders, the "Warning" section that spans pages 1-2]

- determining whether the request affects an object associated with the item; [WindowsNT, Moving or Copying Files or Folders, the "Warning" section that spans pages 1-2]
- identifying a version of the object based on a second time when the request affects the object; [WindowsNT, Moving or Copying Files or Folders, the "Warning" section that spans pages 1-2] and
- completing the request based on the version of the item and the version of the object" [WindowsNT, Moving or Copying Files or Folders, the "Warning" section that spans pages 1-2].

WindowsNT discloses the above limitations but does not expressly teach: "...an interactive content database

- wherein the item comprises a library identifier to a managed resource which is external to a library, and
- wherein the object comprises a binary object which is stored in at least one of a file system, a file server, an file archive, or a database separate from the library."

With respect to Claim 1, an analogous art, Balabine, teaches: "...an interactive content database [Balabine, col. 6, lines 50-56 with Balabine, col. 8, lines 3-17 with Balabine, Fig. 5C]

- wherein the item comprises a library identifier [Balabine, Fig. 5C with Balabine, col. 7, lines 25-26, file path] to a managed resource [Balabine, col. 7, lines 20-34 with Balabine, col. 5, lines 61-66, file (system) object] which is external to a library, [Balabine, col. 7, lines 13-22 with Balabine, col. 5, lines 49-66, file system

objects are generated and not stored in the database/library. Thus, they are external] and

- wherein the object comprises a binary object [Balabine, col. 7, lines 32-34, data stored on a computer is, in at least a low level, in binary] which is stored in at least one of a file system, a file server, an file archive, or a database separate from the library" [Balabine, col. 7, lines 13-22 with Balabine, col. 5, lines 49-66, file system objects (in drive x: for instance) are generated containing the data from the database/library, but are not stored in the database/library. The file system objects are presented in the application/file system of the client (e.g. Balabine, Fig. 5C with Balabine, col. 5, lines 61-66). Thus, they are separate].

It would have been obvious to one of ordinary skill in the art at the time of invention having the teachings of Balabine and WindowsNT before him/her to combine Balabine with WindowsNT because both inventions are directed towards file manipulation operations.

Balabine's invention would have been expected to successfully work well with WindowsNT's invention because Balabine states that WindowsNT can be used to implement his invention (Balabine, col. 8, lines 51-54 with Balabine, col. 9, lines 1-3 with Balabine, col. 9, lines 13-17). WindowsNT discloses a computer operating system comprising a message to confirm a file replace operation. However, WindowsNT does not expressly disclose an interactive content database. Balabine discloses a file system interface to a database comprising displaying a database as a set of files where all file

system operations are intercepted and translated into database commands and data returned as file system objects.

It would have been obvious to one of ordinary skill in the art at the time of invention having the teachings of Balabine and WindowsNT before him/her to take the database accessing techniques from Balabine and install it into the invention of WindowsNT, thereby offering the obvious advantage of sharing data seamlessly with both database-aware and database-unaware applications (Balabine, col. 3, lines 49-51).

Claim 2 can be mapped to WindowsNT (as modified by Balabine) as follows:

"The method of claim 1, wherein receiving the request comprises receiving a request for deleting the item" [WindowsNT, Moving or Copying Files or Folders, the "Warning" section that spans pages 1-2].

Claim 3 can be mapped to WindowsNT (as modified by Balabine) as follows:

"The method of claim 1, wherein identifying the version of the item comprises retrieving a timestamp for the item" [WindowsNT, Moving or Copying Files or Folders, the "Warning" section that spans pages 1-2].

Claim 4 can be mapped to WindowsNT (as modified by Balabine) as follows:

"The method of claim 1, wherein identifying the version of the item comprises retrieving the timestamp and an identifier for the item" [WindowsNT, Moving or Copying Files or Folders, the "Warning" section that spans pages 1-2].

Claim 7 can be mapped to WindowsNT (as modified by Balabine) as follows:

"The method of claim 1, wherein completing the request based on the version of the item and the version of the object comprises:

- determining whether the version of the item matches the version of the object;
[WindowsNT, Moving or Copying Files or Folders, the "Warning" section that spans pages 1-2] and
- completing the request when the versions of the item and object match"
[WindowsNT, Moving or Copying Files or Folders, the "Warning" section that spans pages 1-2].

Claim 9 encompasses substantially the same scope of the invention as that of Claim 1, in addition to an apparatus and some means for performing the method steps of Claim 1. Therefore, Claim 9 is rejected for the same reasons as stated above with respect to Claim 1.

Claims 10-13 and 16 encompass substantially the same scope of the invention as that of Claims 1-4 and 7, respectfully, in addition to an application program stored on a computer readable medium and some program code for performing the method steps of Claims 1-4 and 7, respectfully. Therefore, Claims 10-13 and 16 is rejected for the same reasons as stated above with respect to Claims 1-4 and 7, respectfully.

Claim 14 can be mapped to WindowsNT (as modified by Balabine) as follows:
"The medium of claim 10, further comprising program code for retrieving a timestamp for the object" [WindowsNT, Moving or Copying Files or Folders, the "Warning" section that spans pages 1-2].

Claim 15 can be mapped to WindowsNT (as modified by Balabine) as follows:
"The medium of claim 14, further comprising program code for retrieving the timestamp

and an identifier for the object" [WindowsNT, Moving or Copying Files or Folders, the "Warning" section that spans pages 1-2].

For **Claim 18**, WindowsNT teaches: "A method of processing requests that delete an item in connection with..., wherein the item includes associated objects, [WindowsNT, Moving or Copying Files or Folders, the "Warning" section that spans pages 1-2] said method comprising:

- receiving a request that deletes an item; [WindowsNT, Moving or Copying Files or Folders, the "Warning" section that spans pages 1-2]
- identifying a first age of the item affected by the request; [WindowsNT, Moving or Copying Files or Folders, the "Warning" section that spans pages 1-2]
- retrieving information indicating a second age of at least one associated object; [WindowsNT, Moving or Copying Files or Folders, the "Warning" section that spans pages 1-2] ...
- ...selectively deleting the item and the at least one associated object based on whether the first age of the item is greater than or equal to the second age of the at least one associated object" [WindowsNT, Moving or Copying Files or Folders, the "Warning" section that spans pages 1-2].

WindowsNT discloses the above limitations but does not expressly teach: "...an interactive content database

- ...tracking and recording transaction attributes of the first age of the item and the second age of the at least one associated object

- ...wherein the item comprises a library identifier to a managed resource which is external to a library, and
- wherein the object comprises a binary object which is stored in at least one of a file system, a file server, an file archive, or a database separate from the library."

With respect to Claim 18, an analogous art, Balabine, teaches: "...an interactive content database [Balabine, col. 6, lines 50-56 with Balabine, col. 8, lines 3-17 with Balabine, Fig. 5C]

- ...tracking and recording transaction attributes of the first age of the item and the second age of the at least one associated object [Balabine, col. 4, lines 56-61 with Balabine, col. 6, lines 47-57 with Balabine, col. 7, lines 15-31]
- ...wherein the item comprises a library identifier [Balabine, Fig. 5C with Balabine, col. 7, lines 25-26, file path] to a managed resource [Balabine, col. 7, lines 20-34 with Balabine, col. 5, lines 61-66 , file (system) object] which is external to a library, [Balabine, col. 7, lines 13-22 with Balabine, col. 5, lines 49-66, file system objects are generated and not stored in the database/library. Thus, they are external] and
- wherein the object comprises a binary object [Balabine, col. 7, lines 32-34, data stored on a computer is, in at least a low level, in binary] which is stored in at least one of a file system, a file server, an file archive, or a database separate from the library" [Balabine, col. 7, lines 13-22 with Balabine, col. 5, lines 49-66, file system objects (in drive x: for instance) are generated containing the data from the database/library, but are not stored in the database/library. The file

system objects are presented in the application/file system of the client (e.g. Balabine, Fig. 5C with Balabine, col. 5, lines 61-66). Thus, they are separate].

It would have been obvious to one of ordinary skill in the art at the time of invention having the teachings of Balabine and WindowsNT before him/her to combine Balabine with WindowsNT because both inventions are directed towards file manipulation operations.

Balabine's invention would have been expected to successfully work well with WindowsNT's invention because Balabine states that WindowsNT can be used to implement his invention (Balabine, col. 8, lines 51-54 with Balabine, col. 9, lines 1-3 with Balabine, col. 9, lines 13-17). WindowsNT discloses a computer operating system comprising a message to confirm a file replace operation. However, WindowsNT does not expressly disclose an interactive content database or tracking and recording (logging) of transaction attributes. Balabine discloses a file system interface to a database comprising displaying a database as a set of files where all file system operations are intercepted and translated into database commands and data returned as file system objects where the database has logging facilities.

It would have been obvious to one of ordinary skill in the art at the time of invention having the teachings of Balabine and WindowsNT before him/her to take the database accessing techniques from Balabine and install it into the invention of WindowsNT, thereby offering the obvious advantage of sharing data seamlessly with both database-aware and database-unaware applications (Balabine, col. 3, lines 49-51)

and maintaining a record of transactions for bookkeeping or auditing purposes as a feature of using a database (Balabine, col. 4, lines 56-61).

Claim 19 encompasses substantially the same scope of the invention as that of Claim 18, in addition to an apparatus and some means for performing the method steps of Claim 18. Therefore, Claim 19 is rejected for the same reasons as stated above with respect to Claim 18.

For **Claim 20**, WindowsNT teaches: "A method of validating a request, [WindowsNT, Moving or Copying Files or Folders, the "Warning" section that spans pages 1-2] said method comprising:

- ...receiving a request that affects an item; [WindowsNT, Moving or Copying Files or Folders, the "Warning" section that spans pages 1-2]
- identifying a version of the item based on a first time; [WindowsNT, Moving or Copying Files or Folders, the "Warning" section that spans pages 1-2]
- determining whether the request affects an object associated with the item; [WindowsNT, Moving or Copying Files or Folders, the "Warning" section that spans pages 1-2]
- identifying a version of the object based on a second time when the request affects the object; [WindowsNT, Moving or Copying Files or Folders, the "Warning" section that spans pages 1-2] and
- completing the request based on the version of the item and the version of the object" [WindowsNT, Moving or Copying Files or Folders, the "Warning" section that spans pages 1-2].

WindowsNT discloses the above limitations but does not expressly teach:

- "...providing a library server database including accessible items therein
- ...wherein the item comprises a library identifier to a managed resource which is external to a library, and
- wherein the object comprises a binary object which is stored in at least one of a file system, a file server, an file archive, or a database separate from the library."

With respect to Claim 20, an analogous art, Balabine, teaches:

- "...providing a library server database including accessible items therein
[Balabine, col. 7, lines 12-15]
- ...wherein the item comprises a library identifier [Balabine, Fig. 5C with Balabine, col. 7, lines 25-26, file path] to a managed resource [Balabine, col. 7, lines 20-34 with Balabine, col. 5, lines 61-66 , file (system) object] which is external to a library, [Balabine, col. 7, lines 13-22 with Balabine, col. 5, lines 49-66, file system objects are generated and not stored in the database/library. Thus, they are external] and
- wherein the object comprises a binary object [Balabine, col. 7, lines 32-34, data stored on a computer is, in at least a low level, in binary] which is stored in at least one of a file system, a file server, an file archive, or a database separate from the library" [Balabine, col. 7, lines 13-22 with Balabine, col. 5, lines 49-66, file system objects (in drive x: for instance) are generated containing the data from the database/library, but are not stored in the database/library. The file

system objects are presented in the application/file system of the client (e.g. Balabine, Fig. 5C with Balabine, col. 5, lines 61-66). Thus, they are separate].

It would have been obvious to one of ordinary skill in the art at the time of invention having the teachings of Balabine and WindowsNT before him/her to combine Balabine with WindowsNT because both inventions are directed towards file manipulation operations.

Balabine's invention would have been expected to successfully work well with WindowsNT's invention because Balabine states that WindowsNT can be used to implement his invention (Balabine, col. 8, lines 51-54 with Balabine, col. 9, lines 1-3 with Balabine, col. 9, lines 13-17). WindowsNT discloses a computer operating system comprising a message to confirm a file replace operation. However, WindowsNT does not expressly disclose an interactive content database or a library server database. Balabine discloses a file system interface to a database comprising displaying a database as a set of files where all file system operations are intercepted and translated into database commands and BEM modules (library server database).

It would have been obvious to one of ordinary skill in the art at the time of invention having the teachings of Balabine and WindowsNT before him/her to take the database accessing techniques from Balabine and install it into the invention of WindowsNT, thereby offering the obvious advantage of sharing data seamlessly with both database-aware and database-unaware applications (Balabine, col. 3, lines 49-51) and using BEM modules to have different formats and ways of accessing the same data

tailored to the user/specification(s) (Balabine, col. 7, lines 13-19 with Balabine, col. 7, lines 50-57).

15. Claims 8 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over "Ten Minute Guide to Windows NT Workstation 4.0" (WindowsNT) in view of U.S. Patent No. 5,937,406 (Balabine et al.), further in view of "Mac OS X: The Missing Manual" (MacOSX).

For **Claim 8**, WindowsNT (as modified by Balabine) teaches: "The method of claim 1, wherein completing the request based on the version of the item and the version of the object comprises."

WindowsNT (as modified by Balabine) discloses the above limitation but does not expressly teach:

- "determining whether the version of the item is older than the version of the object; and
- completing the request when the version of the item is older than the version of the object."

With respect to Claim 8, an analogous art, MacOSX, teaches:

- "determining whether the version of the item is older than the version of the object; [MacOSX, second tip] and
- completing the request when the version of the item is older than the version of the object" [MacOSX, second tip with WindowsNT, Moving or Copying Files or Folders, the "Warning" section that spans pages 1-2].

It would have been obvious to one of ordinary skill in the art at the time of invention having the teachings of MacOSX and WindowsNT (as modified by Balabine) before him/her to combine MacOSX with WindowsNT (as modified by Balabine) because both inventions are directed towards copying/moving/replacing/deleting files on a computer.

MacOSX's invention would have been expected to successfully work well with WindowsNT (as modified by Balabine)'s invention because both inventions use computers with GUI file interfaces. WindowsNT (as modified by Balabine) discloses an operating system comprising GUI for file management. However, WindowsNT (as modified by Balabine) does not expressly disclose determining whether the version of the item is older than the version of the object. MacOSX discloses an operating system comprising GUI for file management.

It would have been obvious to one of ordinary skill in the art at the time of invention having the teachings of MacOSX and WindowsNT (as modified by Balabine) before him/her to take the determining whether the version of the item is older than the version of the object from MacOSX and install it into the invention of WindowsNT (as modified by Balabine), thereby offering the obvious advantage of removing the user from determining if files are older/newer (or matching, since older/newer versions are determined by the computer), thereby eliminating possible error.

Claim 17 encompasses substantially the same scope of the invention as that of Claim 8, in addition to a computer program product and some program code for

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performing the method steps of Claim 8. Therefore, Claim 17 is rejected for the same reasons as stated above with respect to Claim 8.

Conclusion

16. Any prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is advised that, although not used in the rejections above, prior art cited on any PTO-892 form and not relied upon is considered materially relevant to the applicant's claimed invention and/or portions of the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brent S. Stace whose telephone number is 571-272-8372 and fax number is 571-273-8372. The examiner can normally be reached on M-F 10am-6:30pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Apu Mofiz can be reached on 571-272-4080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/BRENT STACE/
Primary Examiner, Art Unit 2161